A Reply on behalf of the Preſent *East-India* Company, to a Paper of Complaints, commonly called, *The Thirteen Articles*, delivered by their Adverſaries, to the Members of the Honourable Houſe of COMMONS.

ARTICLE I.

THat they did procure Illegal Commiſſions from the late King for Martial Law, whereby ſome Perſons have been Executed.

That the Governour of St. Helena *cauſed to be put to Death two Men, before any Commiſſion was obtain'd.*

ANSWER.

HOW far a Power to grant Commiſſions of Martial Law in Foreign Plantations, in the Caſe of Rebellion, is by Antient Prerogative veſted in the Crown, is not fit here to be debated, much leſs determined; though the Author of this Article here preſumes ſo to do. But this is true, That the Commiſſion here ſtiled Illegal, was no other, than what hath been from time to time granted to the ſaid Company; more particularly, at its firſt Inſtitution in the Reigns of Queen *Elizabeth* and King *James* I. As doth appear by the Original Commiſſions ready to be produced.

That the ſaid Commiſſion was grounded on the ſame Power with their Charter, and their Charter on the ſame Power with all the Charters of the reſpective Plantations in the *Weſt-Indies*; Upon which Charters, ſeveral Perſons have been Executed both by Civil and Military Judicatures, and never yet call'd in Queſtion; and is no more than what all the *European* Joynt-Stocks make uſe of in *India*.

What the Governour of St. *Helena* did before the Commiſſion arriv'd, was without the Order or Privity of the Company here, and ſo they not anſwerable nor blame-worthy for the ſame.

Art. II. *That the Company did procure, of the late King, the Ship* Phœnix *to be ſent to* India, *to ſeize the Ships and Goods of their Fellow-Subjects; And alſo gave Orders to the Commanders of their own Ships to do the ſame.*

Anſw. Theſe Fellow-Subjects here mentioned, are ſuch as did break in on the Trade of the Company, contrary to His Majeſties Charter, and are uſually ſtiled *Interlopers*. Now it being generally granted, and likewiſe declared by the Honourable Houſe of Commons, *That the* Eaſt-India *Trade will be beſt manag'd by a Joynt-Stock, excluſive to all others.* It's humbly ſubmitted to the Judgment of all Perſons unconcern'd, what other Meaſures the Company could have then taken, or can be taken for the future, by this or any other Company, on ſuch an Exigency, for the preſervation of the Trade to the Nation and themſelves, than thoſe which the Objection would render Criminal?

Art. III. *That they did procure their late Majeſties Proclamations, for the putting the Powers granted to them by their Charters, in Execution, and commanding all perſons from their Employments and Settlements in thoſe Parts, to repair to the Companies Gariſons in* India, *or return home.*

Anſw. This Article is no more, than that they did procure from their late Majeſties, their reſpective Proclamations for the Confirmation of their Charters, and putting the Powers therein given them, in Execution; which is uſual, and hath been the practice of moſt, if not all Companies eſtabliſhed by Charter. Nor was it ever until now objected as a thing Criminal ſo to do, nor had they done it now, but to reſtrain Interloping.

Art. IV. *That they did in the two laſt Reigns, commence vexatious and chargeable Suits againſt their Fellow-Subjects.*

Anſw. The Company being, as they humbly conceive, in Poſſeſſion of a Right, it was never yet accounted Criminal by any Perſons, to maintain that Right in *Weſtminſter-Hall.*

Art. V. *They have cauſed ſeveral Ships fitted and deſign'd for* India, *to be Illegally ſtopt; and alſo one Ship homeward bound, to be unladen at* Portſmouth. *In order to which, they procured a Letter from the late King, to the Judge of the Admiralty, commanding him to order the ſaid Cargoe there to be Landed.*

Anſw. As to this, that, as is before hinted, in anſwer to the ſecond Article: It being generally agreed on, and declared by the Honourable Houſe of Commons, *That the* Eaſt-India *Trade will be beſt managed by a Joynt-Stock, excluſive to all others.* It's humbly conceiv'd, it was no ways Criminal, for them to apply to His then Majeſty, and His Courts of Admiralty, for ſuch aſſiſtance as that Court could afford them, to preſerve the Trade to themſelves, excluſive to others, according to their Charter. But as to any ſuch Letter, as is here ſuggeſted, it being matter of Fact, it muſt reſt upon them to prove it, by producing the ſame.

Art. VI. *That the Company have expended great ſummes of Money, under the title of ſecret Services, and preſented to the two late Kings, ſeveral ten thouſand Guineys.*

Anſw. This were much more proper to be objected by the Preſent Members of the Company, than by thoſe, ſome of whom at leaſt wiſe were the chief Promoters of it: And having ſince ſold themſelves out, would render the preſent Managers Criminal, for thoſe very Actions which they committed, while Members of the ſaid Company.

And as to theſe ten thouſand Guineys which were preſented to the late Kings, it was alwayes Paid into the Exchequer, for the Publick Service; and was at firſt introduced, not by the preſent Managers, but by ſome of thoſe, who as aforeſaid, have ſold themſelves out, and do now complain againſt it. But it hath been ſince taken off by a Preſent of Seven Thouſand Pound ſtock in the ſaid Company, which his preſent Majeſty, whom God long preſerve, doth now enjoy.

Anſw. This

Art. VII. *Some of the prevailing Members in the Committee, have sold to themselves great part of the Companies Goods, by Private Contract, to the Prejudice of the Buyers, and the Defrauding the other Adventurers.*

Answ. This Objection likewise had been much more proper to have come from the Present Members, than from those who had no Interest in the Company, when these Private Contracts were made: Nor were these Contracts so private, but first by the allowance of the General Court of Adventurers; and then Publication made, that such Contracts were proposed, and all Persons, both Members and others, had full freedom to bid for the Goods intended to be Exposed to Sale. And it is humbly conceiv'd, That it is the Property of every individual Person, and of all Communities, to dispose of their Effects, as they do think most conducing to their present Advantage: Nor is it contrary to the Companies present Constitution. But if it be thought inconvenient for the future; This, as all other Regulations, is by the Companies Petition, humbly submitted to the Honourable House of Commons.

Art. VIII. *They have not for many Years past made up their Books, and valued their Stock; although by the General Preamble, subscribed by every Adventurer on his admission into the Company, they are obliged so to do every seven Years: Whereby the late Managers have engrossed a great part of the said Stock, in opposition to the Interest of the Publick.*

Answ. This Objection is not true in fact. The Company having made up their Books, and a Valuation of their Stock, in the Year 1685, which is yet within the seven Years. Nor is it true, as is further suggested, That the late Managers have thereby ingrossed a great part of the Stock, in opposition to the Interest of the Publick.

Art. IX. *That they have of late made over-large Dividends, whereby they have not only divided their Profit, but the very Stock it self: And that it hath been urg'd (as an Argument so to do) in their Publick Courts,* That it was the only way, to put themselves out of the Power of a Parliament:

Answ. This Article consisting of several Particulars huddled up together without any due connexion, must notwithstanding, to render the Answer to it intelligible, be brancht into several particulars.

As to the making the late Dividends, it was occasion'd for want of Liberty to send out Shipping for *India*; The Company having made several earnest applications for the same, which by reason of the Pressing occasions for Seamen, to Man Their Majesties Fleet, could not be obtain'd: And also they have had certain Advices from *India*, that by reason of the *Great Moguls* Warring upon the King of *Golconda*, and the grievous Famine and Sickness happening on the Coast of *Choromandel*, most of the Handicrafts-men being destroy'd, The Companies Agents and Factors could not procure Callicoes for their Money: By which ways the Companies Stock then lying dead, both in *England* and *India*, the said Dividends were made; *And not*, as is falsly suggested, *to put themselves out of the Power of a Parliament.*

And that thereby they have not left a Fund sufficient to carry on their Trade.

But that by these Dividents there is not left a Fund sufficient to carry on the Trade, is deny'd; and being matter of Fact, must rest upon the Perusal of the Accompts of the Companies, ordered, and intended to be delivered into the Honourable House of Commons.

But are become necessitated to Farm it out to their Fellow-Subjects.

As to the Permission Ships, there was a necessity for it during the time of the War, when Trade might be carried on by private Management of particular Persons, with less noise or notice taken of it, than could then be done by the Company; But that being ceased by the Peace made, They are now restrain'd by the present Company, and therefore ought not to remain an Objection against them.

And likewise to the Armenians.

This was principally design'd for the encreasing the Exportation of the Woollen Manufacture; They being the only Persons that can greatly increase the vent of *English* Cloth, by carrying it into the Upland and Northern parts of *Persia* and *Tartary*, whereby new Markets for the same may be obtain'd. The Factors and Agents of the said Company, being never able to penetrate so far into the Country; And by permitting them to send out, not only our Manufactory, but also Foreign Commodities, which used alwayes to go with the *Caravans* for *Turkey*, it would have brought great advantage to Their Majesties Customs, and increased our Navigation, and may in time bring hither, all the Fine Callicoes expended in *Italy* and other parts, that used to go overland by the great *Caravans*, to the increase of our, and diminution of their Trade.

And further, that they have permitted the Jews *to Establish themselves in* India, *and made them a part of their Government there, which has in a manner, given them the intire Possession of the Diamond Trade, to the great discouragement and loss of the* English *Subjects.*

As to the *Jews* being permitted to settle in *India*, It is no more than what is done in *England*, and they may as well accuse the Government here, as the Company there: And for their being part of the Government, it was admitted to them, as to all other Nations, thereby to encourage persons of all Perswasions to settle among them, for the greater strengthning of the Place, and increase of the Trade thereof.

Art. X. *That they have for many Years past carried on their* Trade *in an irregular manner, by sending out Ships at improper seasons, and keeping them abroad longer than was requisite, by which mismanagement, together with the War, they have occasion'd the loss of several considerable ships, and the mortality of some thousands of* Seamen *and* Souldiers.

Answ. The taking of Ships for a longer time than was formerly practised, was occasion'd by the War with the *Great Mogul*, in which it was absolutely necessary, to have a strong force of *English* Shipping on the place, to secure the *English* Interest there, and if they staid longer than the time limited in Charter-Party, it was their own voluntary action, they having it in their power by Charter-Party, to return.

Nor was the loss of the *English* Seamen more in proportion, than of the Inhabitants of the Country; there being then such a Contagion in those parts, as depopulated whole Cities; nor can the Company be more Reasonably accused for the death of their Seamen and Souldiers, than the Government of this City can for the loss of its Members, in times of Contagion.

Art. XI. *That the Company have commenced an unjustifiable War against the* Great Mogul, *and under that*

Answ. The War with the *Great Mogul* was occasion'd by pure necessity, and that necessity did arise, from the breaking in of the *Interlopers* upon them, in their Trade, when by dividing the *English* Interest in *India*, the Natives there took advantage of the said division, to extort very great, and most unreasonable Sums of Money from

pretence, committed many great Depredations on the Subjects of that Prince;

from the Company, contrary to their Phirmaunds given to them, as has been more at large demonſtrated by the Company in Print.

Beſides, the War was neither commenced nor proſecuted, but by the *Direction* and *Commiſſions* of the late King under his hand. And it was alwayes believed, that the ſole Power of making War and Peace, was veſted in the Crown; ſo that this War (being commenced by, and under the then Soveraign Power of this Nation,) can't in Reaſon be accounted an injuſtifiable War, as is Objected.

Whereby the Engliſh *are render'd in all Parts of* India, *odious and contemptible, and eſteemed rather Pyrats than Merchants.*

As to that which is further Objected, *That the* Engliſh *are in all parts of* India *render'd odious and contemptible by the War*; the quite contrary is true: For ſhould they have tamely ſubmitted to theſe Exactions and Inſults, without endeavouring to vindicate themſelves, they had then become abſolutely contemptible with the Natives: Whereas now by their endeavour to right themſelves, they have gain'd Reputation and Reſpect, more than any other *European* Nation in *India*.

They have been likewiſe guilty of a notorious breach of Faith, by making Prize of divers Ships, to which they had given the protection of the Companies Paſſes. And alſo have ſeiz'd the Goods and Moneys, which were laden on Freight, on board the Companies own Ships, for which Bills of Loading are ſtill ſtanding out.

As to the firſt branch of this part of the Objection, it's utterly denyed: For what Ships had the Companies Paſſes, were either not ſeiz'd at all, or upon their bringing up to *Bombay*, immediately diſcharg'd by the General.

As to the other part of this Objection, *That they have ſeiz'd the Goods and Moneys, which were laden on freight on the Companies own Ships, for which Bills of Loading are ſtanding out.* It is anſwer'd; That if they mean by theſe Goods and Moneys, ſuch as did belong to any *Engliſhman*, it is utterly deny'd; but if they mean the Goods and Moneys belonging to any of the Natives, then it is acknowledg'd, that there were 179 Bales of Goods, laden on the *Emerauld Frigat*, deſign'd for *Perſia*, which were afterwards put on board *Charles the 2d.* there being a neceſſity for the *Emeralds* going a Cruizing; and there being ſeveral other Goods, in the hurry of the *Moors* Invaſion, brought on board the ſaid Ship, and laid upon them: The *Monſoons* would not ſuffer them, when the *Charles* was about Lading for *Europe*, to meddle with her Stowage, and take them out; which was the Reaſon of their being brought for *England*: But they were accordingly taken notice of, in the Letters and Invoices to the Company; and a particular Account deſired to be kept of their Contents and Sale, to enable the Companies General and Council to account with the Owners; which is paid and done accordingly: It being ſo promiſed to the Owners from the beginning, and they were ſatisfied with it. *For what Moneys were laden on the Companies Ships on freight, and ſeiz'd on*, as is alledged by the Objection, the Truth thereof is no more than this, That there was ſome Money ſo laden detain'd at *Bombay*; but is actually reſtored to the Owners at *Surrat*, to their great ſatisfaction, which they have publickly acknowledg'd.

That the Company did make War on the Mogol, *without firſt having made Application to him for Redreſs of their Grievances.*

This likewiſe is not true in Matter of Fact; for they did make Application to himſelf, and likewiſe to his Miniſters, before the commencement of this War.

Art. XII. *That the Company firſt contrived to make Advantage, of the Credit and Friendſhip, which till that time, they had with the Natives, by ordering their Agents to borrow all the Money they poſſibly could.*

Anſw. It is well known, that the Company have all along from their firſt Inſtitution, borrow'd Money at *Surrat*, as they have had occaſion, and have as punctually paid it: And what Money, now ſaid in this Objection to be borrow'd, (which is nothing near ſo much as is alledg'd) was not done, as is here ſuggeſted, by *contrivance to make an Advantage, of the great Credit and Friendſhip our Nation had with the Natives*, thereby to defeat them of it; but either is, or will be, as punctually paid when due, as theſe Suggeſters pay their own Debts, and was never otherwiſe intended.

That they are at laſt become ſenſible, and have ſupplicated that great Prince for a Pardon, which he has condeſcended to grant them.

It is obſervable, that theſe Perſons, who in their former Articles did accuſe the Company, for not having made their Application to the *Great Mogol*, for redreſs of their Grievances, do now in this criminate them, for having made their Application to him for a Peace; which they diſingenuouſly call a Pardon.

Art. XIII. *That they did alſo upon moſt unjuſt and frivolous pretences, make War on the King of* Syam, *which occaſioned the Maſſacre of divers of their Majeſties Subjects, and the ruine of ſeveral Families.*

Anſw. The War made by the Company on the King of *Syam*, was not made, as is here pretended, on moſt unjuſtifiable and frivolous Pretences, but upon moſt juſt and reaſonable Grounds: The Company having received moſt notorious Injuries, both in their Eſtates, and in the Perſons of their Factors, from that Government.

And now the before-mention'd *Objections* having received their ſeveral *Anſwers*; It is humbly ſubmitted to the Judgment of all unconcern'd Perſons, whether by them it is made clearly evident, that the Preſent Company are become a diſhonour to this Nation, a great Grievance to Their Majeſties Subjects; and that nothing but a New National Joynt-Stock, can retrieve and preſerve that Trade, from being utterly loſt to this Kingdom, as is ſuggeſted, in the Concluſion of the ſaid Paper.

And whereas they have Printed the *Phirmaund*, or Patent lately Granted by the *Great Mogol* to the Company, from the ſtile of which they would inſinuate, that the Company have made a baſe and diſhonourable Peace: It is well known to all, who have obſerved the ſtile of the Eaſtern Princes, That it is no other, than what the ſaid *Mogol*, and others of the Great Eaſtern Monarchs generally uſe, in their Treaties, they make with their Neighbouring Princes: But for the particular Articles Granted to the Company for their Trade and Settlement, They are as advantageous as the Company could, or did deſire; and beyond what hath ever yet been Granted.